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 OTHER (SPECIFY)

(Record of item checked above)

TO: PAUL BIHER RRS II

FROM: MICHAEL HANSEL
MPCA

DATE 5/3/83

TIME 8:00 PM

SUBJECT MPCA REACTION TO REILLY TAR'S PUBLIC HEARING
SCHEDULED ON MAY 19, 1983

SUMMARY OF COMMUNICATION

HANSEL INFORMED ME THAT THE MPCA AND MDH (SANDRA GARDEBRING AND SISTER ASHTON, RESPECTIVELY) WILL HOLD A PUBLIC HEARING ON MAY 16, 1983 FOR PRESENTATION OF THE STATE'S PLAN TO CLEANUP REILLY TAR. THIS WAS DECIDED AFTER THE MPCA CONSULTED WITH THE GOVERNOR AND THE DATE WAS SELECTED THREE DAYS BEFORE REILLY IS TO GIVE THEIR PRESENTATION (SEE ATTACHED). THE STATE'S PLAN WILL BE A SUMMARY OF THE SCOPE OF WORK IN THE TWO, EPA/MPCA COOPERATIVE AGREEMENTS WITH EMPHASIS ON THE RECENTLY COMPLETED DRAFT WATER TREATMENT STUDY. THE MPCA HELD A PUBLIC HEARING ON THE PRELIMINARY RESULTS OF THIS STUDY TWO MONTHS AGO. IT WAS VERY SUCCESSFUL. HANSEL INFORMED GARDEBRING OF THE CONCERNS WE BOTH SHARE: ① REILLY IS VIOLATING AN ESTABLISHED PROTOCOL WHEREBY THE EPA/MPCA WOULD SHARE TECHNICAL INFORMATION AT MILESTONE MEETINGS WITH REILLY - REILLY IS NOW REFUSING TO ~~SHARE~~ SHARE THEIR "COMPREHENSIVE PLAN" UNTIL THE DAY BEFORE THE PUBLIC HEARING. THE STATE HAS FORMALLY COMPLAINED OF THIS TACTIC, EPA WILL FOLLOW; ② HANSEL MUST SPEND AN EXCESSIVE AMOUNT OF TIME PREPARING FOR A STATE PUBLIC HEARING - TAKING TIME AWAY FROM THE PROJECT; ③ A PUBLIC HEARING IS SCHEDULED FOR LATE JUNE OR JULY TO PRESENT THE RESULTS OF THE WATER TREATMENT STUDY, AT WHICH TIME THE MPCA CAN PROVIDE THEIR MASTER PLAN AND THE CITIZENS CAN COMPARE THE STATE PLAN TO REILLY'S PLAN. IT IS COMMON KNOWLEDGE THAT THE STATE'S PLAN WILL BE MORE ORIENTED TO PROTECTION OF PUBLIC HEALTH - THEREFORE MORE STRINGENT, AND MORE DEFINITIVE OF THE EXTENT OF THE PROBLEM - THEREFORE MORE EXPENSIVE. REMEDIAL ACTION. ④ THE STATE'S REACTION TO REILLY'S PUBLIC HEARING ~~ALSO~~ BECOMES POLITICIZED IN THAT THE GOVERNOR OR HIS REP, THE MPCA, MDH, THE CITY OF ST. LOUIS PARK AND IF PROTOCOL OF THE PREVIOUS PUBLIC HEARING REPEATS ITSELF, THREE AGGRESSIVENESS CONCLUSIONS, ACTION-TAKEN OR REQUIRED

OR THEIR REPS WILL WISH TO MAKE STATEMENTS. THE QUESTION TO ME IS "DOES EPA WANT REPRESENTATION AT THIS HEARING?" MPCA WOULD LIKE A RESPONSE. I STRONGLY OBJECT TO REILLY'S TACTIC HERE AND PREFER TO MAKE A RATIONAL STATEMENT TO THAT EFFECT. I ALSO THINK THE STATE IS NEEDLESSLY TRYING TO UPSTAGE REILLY. I PREFER TO SUBMIT A STATEMENT AT A PRESS CONFERENCE HELD BY THE MPCA IN WHICH ~~WE~~ PRESENT OUR CONSISTENT OBJECTIVES AND TIMELY PROGRESS AND ANNOUNCE A PUBLIC HEARING IN LATE JUNE, AT WHICH TIME WE CAN ALSO, IF APPROPRIATE, PROVIDE OUR COMMENTS TO REILLY TAR'S PLAN.

INFORMATION COPIES

TO: DIFFEBACH, BARTELT, CONSTANTINOS, STRICKLER, HINKLE, LEININGER

QB 5/4/83